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Attorneys for Third-Party  
Defendant Gary W. Rodrigues

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

JEANNE K. ENDO,	)	CIVIL NO. 03-00563 LEK
	)	
Plaintiff,	)	THIRD-PARTY DEFENDANT GARY
	)	W. RODRIGUES' SEVENTH
vs.	)	MOTION IN LIMINE TO BAR ALL
	)	OPINION TESTIMONY BY
UNITED PUBLIC WORKERS, AFSCME	)	WITNESSES AS TO WHETHER
LOCAL 646, AFL-CIO,	)	DEFENDANT "CONTROLLED" THE
	)	UPW, IT'S STATE EXECUTIVE
Defendant.	)	BOARD, OR IT'S EXECUTIVE
	)	COMMITTEE; MEMORANDUM IN
vs.	)	SUPPORT; CERTIFICATE OF
	)	SERVICE
GARY W. RODRIGUES,	)	
	)	
Third-Party	)	
Defendant	)	
	)	
	)	
	)	TRIAL: May 13, 2008
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THIRD-PARTY DEFENDANT GARY W. RODRIGUES'  
SEVENTH MOTION IN LIMINE TO BAR ALL OPINION TESTIMONY  
BY WITNESSES AS TO WHETHER DEFENDANT "CONTROLLED" THE UPW,  
IT'S STATE EXECUTIVE BOARD, OR IT'S EXECUTIVE COMMITTEE

Comes now Third-Party Defendant GARY W. RODRIGUES  
(hereinafter referred to as "Rodrigues"), by and through his

attorneys, and hereby moves in limine for an order barring all opinion testimony by witnesses as to whether Rodrigues "controlled" Defendant UPW, it's State Executive Board, or it's Executive Committee on the basis that such evidence:

1. Is not probative of any issue connected to the manner in which Plaintiff was treated in the course of her employment with the UPW;
2. The term "controlled" is vague and ambiguous, and;
2. Will result in unfair prejudice to Defendant, confuse the issues in this case and/or mislead the jury in violation of Rule 403, FRE.

This motion is brought pursuant to Rule 7(b) of the Federal Rules of Civil Procedure, Rules 402 and 403, FRE, Rule 16.9, Local Rules of Practice for the United States District Court for the District of Hawaii, and is based upon the memorandum attached hereto, the records and files in this action and such further evidence or argument which may be presented at a hearing on the motion.

DATED: Honolulu, Hawaii, April 22, 2008.

/s/ Eric A. Seitz  
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